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and successively, releasably applying said body side of said second body panel web directly to said garment side of said second portions of said fastener members without directly or indirectly engaging in any way said garment side of either of said first or second body panel webs with any portion of said fastener members.

Remarks About the Prior Art Rejections:

At the outset, Applicants note the recitation that “said refastenable portion directly engages said second body panel” is not relevant or necessary to distinguish Sauer. Accordingly, while Applicants disagree that such a limitation is merely an intended use, it is not relevant to this action.

Rather, as discussed in the prior interview and as noted in Applicants prior response, claim 1, as well as the remaining independent claims 5 and 16, each recite a fastener member, or a portion thereof, “attached to [a] *body side* of [a] first body panel” and “releasably attached to [a] *body side* of [a] second body panel.” Likewise, independent method claims 21 and 29 each recite applying a first portion of a fastener member “to [a] *body side* of [a] first body panel,” and “releasably applying [a] *body side* of [a] second body panel” to a second portion of the fastener member. In this way, the fastener is attached to the *body side* of both the first and second body panels.

In contrast, the fastener member of Sauer is attached to the body side of body panel 24, but is attached to the *garment side* of the body panel 22 (*see* FIGS. 1-3, 6 and 7). Any way you slice it, Sauer simply does not disclose a fastener member secured to the “body side” of *both* body panels. Indeed, the body panels of Sauer overlap, in contrast to Applicants’ fastening system, which “avoids the need to overlap the first and second body panels” (Specification at 3, lines 27-31; *see* Fig. 1).

While Applicants recognize that Sauer discloses that the “primary fastener [42] may be releasably engageable with the *bodyside liner* 30 or the outer cover 32 of the front portion 22 of the absorbent article,” as cited by the Examiner (Office Action

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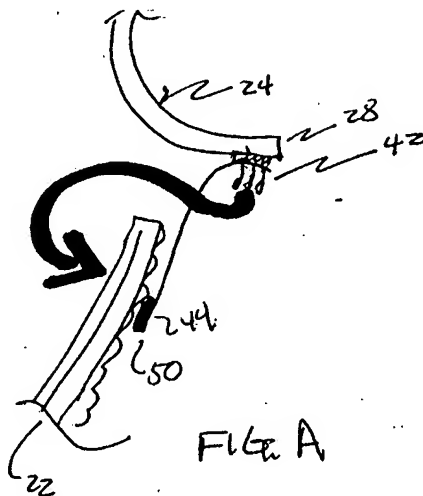
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at 2) (emphasis added), there is no disclosure or suggestion that the fastener member 36, 38 is secured to a “bodyside” of *both* layers. Indeed, the Examiner’s argument fails to consider the Sauer reference in its entirety.

In particular, for the *primary fastener 42* to engage a *body side* of the front portion 22, the fastener member 36, 38 must necessarily be secured to a *garment side* of the rear portion, not a body side thereof. Conversely, as shown in FIGS. 3 and 7, the primary fastener 42 of fastener member 36, 38 engages the rear panel 24 on the *bodyside* surface, and the front panel 22 on the *garment side surface*. In either embodiment, the fastener member 36, 38 is not secured to a bodyside surface of *both* body panels.

In this regard, Applicants submit that it is *physically impossible* for the primary fastener 42 to be releasably secured to the *body side* surface of the second body panel 22 (e.g., liner 30) with the other side of the fastener member 36, 38 secured to the *body side* surface of the first body panel 24 – to accomplish this feat, the fastener member 36, 38 would have to miraculously pass through itself (*see* FIG. A below).

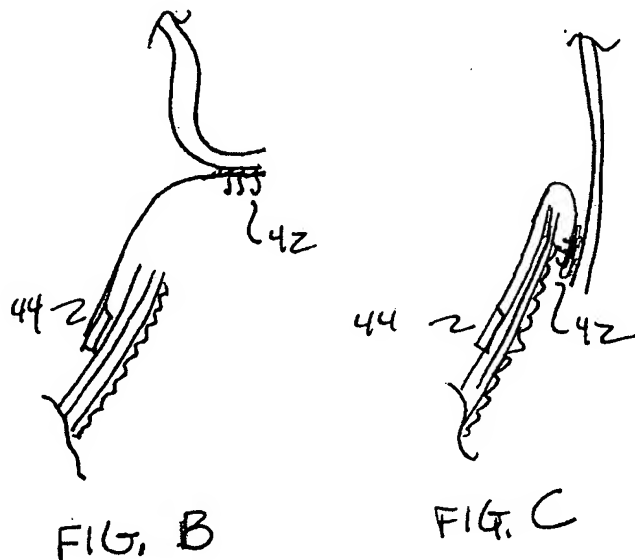


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In addition, Sauer further teaches away from applying the secondary fastener portion 44 of the fastener member 36, 38 to the body side surface of the second body panel 22. First, Sauer expressly discloses that the secondary fastener 44 engages the *bodyside* surface of the front body panel (FIGS. 3, 4, 6, 7; Col. 7, line 57 to Col. 8, lines 30). Moreover, even if the secondary fastener 44 were attached to the body side of the body panel 22, then the fastener 36, 38 must wrap around the edge of the body panel when fastening the primary fastener 42 to the garment side of the body panel 22 (see FIGS. B and C below). Such a hypothetical construction severely limits the adjustability of the fasteners 36, 38.



Moreover, Sauer expressly teaches against such a modification, since the fasteners 42 and 44 would be secured on opposite sides of the body panel 22. In particular, Sauer discloses that:

Desirably, the primary fastener 42 and the secondary fastener 44 of each fastening means 36 and 38 are configured to be positioned *adjacent each other* when the absorbent article 20 is secured about the waist of the wearer as is representatively

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shown in FIGS. 2 and 6. In such a configuration, the care giver can *engage or disengage both the primary and secondary fasteners 42 and 44 with the same motion of one hand* if desired for easy fastening and removal. Moreover, when the secondary fastener 44 remains engaged, the secondary fastener 44 can aid in repositioning the primary fastener 42 such that the absorbent article 20 can be accurately repositioned on and secured about the wearer in it's original location if desired. Such use of the secondary fastener as a locating device is particularly beneficial when trying to refasten the primary fastener 42 when the wearer is in a standing position.

Col. 10, Lines 1-16 (emphasis added).

For all of these reasons, Sauer does not disclose or suggest all of the limitations of claims 1, 5, 16, 21 and 29, or any claim depending therefrom, and the Examiner's rejections should be withdrawn.

Remarks About The New Claims:

Applicants have added new claims 41-44, which recite, for example, that the "fastener member does not directly or indirectly engage in any way said garment side of either of said first or second body panels" (see claims 41 and 42). As explained above, at least a portion of the fastener of Sauer is engaged with the garment side of the body panel 22. Accordingly, these claims further distinguish Sauer. Support for these claims is found throughout the specification, including the drawings, as shown for example in FIG. 1. Indeed, Applicants note that at least one embodiment, "w ith the fastener members located on the body side of the body panels, provides a pleasing pant-like appearance and does not have fastener members that are visible once the garment is applied to the user" (Specification at 3, lines 27-30).

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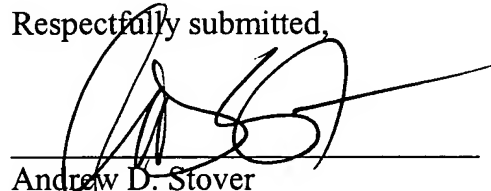
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Applicants previously paid for 40 claims. This application presently has 43 claims pending. Accordingly, Applicants have enclosed a check in the amount of \$150 for the additional claims fee.

Conclusion:

Any questions concerning this Reply and Amendment should be directed to the undersigned attorney at (312) 321-4713.

Respectfully submitted,



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Date: October 24, 2005

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